

501-07/PJG/PLS
FREEHILL HOGAN & MAHAR, LLP
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Peter J. Gutowski (PG 2200)
Pamela L. Schultz (PS 8675)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUSTO SHIPPING S.A.,

07 CV 9889 (BSJ)

Plaintiff,

- against -

LOCAL RULE 55.2
AFFIDAVIT OF PAMELA L. SCHULTZ

SITARA SHIPPING LIMITED,

Defendant.

STATE OF NEW YORK

COUNTY OF NEW YORK

1. I, PAMELA L. SCHULTZ, am an attorney admitted to practice before this Court and an associate at Freehill Hogan and Mahar, LLP. My office represents Plaintiff Gusto Shipping S.A. ("Gusto") in the captioned action which involves a maritime attachment pursuant to Supplemental Admiralty Rule B against Defendant Sitara Shipping Limited ("Sitara").

2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Local Civil Rules for the Southern District of New York, in support of Plaintiff's application for a certificate of default against Defendant Sitara.

3. Defendant Sitara is a legal entity and is not an infant, in the military or an incompetent person, and as explained more fully below, Sitara has failed to plead or otherwise defend the action and the Summons and Verified Complaint to which no response has been made was properly served on Defendant Sitara.

4. This action was commenced on November 8, 2007, with the filing of a Verified Complaint seeking security pursuant to Supplemental Rule B for Gusto's claims against Sitara in connection with Sitara's chartering of the M/V GUSTO and failure to pay amounts due and owing under the charter party.

5. The claims of Gusto against Sitara were subject to London arbitration, and this action was commenced to obtain security by way of an order of attachment pursuant to Supplemental Admiralty Rule B.

6. The order of attachment and Process of Maritime Attachment and Garnishment ("PMAG") were issued, directing garnishees served with the PMAG to restrain assets of Sitara, up to and including, the amount of \$90,175.87. A number of garnishee banks were served with the PMAG, and funds for the benefit of Sitara totaling \$90,175.87 were restrained at BNP Paribas, Citibank and JPMorgan Chase. These funds remain under attachment, and to my knowledge are the only funds under restraint in this action.

7. The restraint of the funds described above gives rise to the Court's *quasi in rem* jurisdiction, and Plaintiff Gusto seeks a default judgment against Defendant Sitara up to and including the sum of \$90,175.87 (the amount under attachment).

8. As set forth in the Clerk's Certificate of Mailing, the Summons and Complaint were served on January 22, 2008 in accordance with Federal Rule of Civil Procedure 4(f)(2)(C)(ii) (See, Exhibit A and ECF Doc. 5). As reflected on the docket sheet, the Summons and Verified Complaint were received by Sitara on February 25, 2008.

9. Plaintiff has complied with the notice requirements of Local Admiralty and Maritime Rule B.2 by giving notice to Defendant of the attachment after property of Defendant Sitara had been restrained by providing notice on the following dates: December 13, 2007;

December 14, 2007; December 18, 2007; and January 22, 2008. Additionally, and as noted in the preceding paragraph, Defendant was served with a copy of the Summons and Verified Complaint in January 22, 2008. (See Exhibit B and docket entry dated March 12, 2008).

10. Sitara has failed to plead or otherwise defend this action despite being properly served.

WHEREFORE, Plaintiff requests a certificate of entry of default by the Clerk pursuant to Federal Rule of Civil Procedure 55(a) and Local Civil Rules 55.1 and 55.2(a).

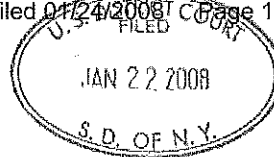
DATED: New York, New York
June 16, 2008


PAMELA L. SCHULTZ

Sworn to before me
this 16 day of June 2008.


Notary Public

CLARE HENRY
Notary Public, State of New York
No. 01HE4831498
Qualified in Kings County
Certificate in New York County
Commission Expires October 31, 2009



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUSTO SHIPPING S.A.

Plaintiff,

-v-

SITARA SHIPPING LIMITED

Defendant.

CERTIFICATE OF MAILING

07 CV 9889 (BSJ)

I, J. Michael McMahon, Clerk of Court for the Southern District of New York, do hereby certify that on the

22ND Day of January, 2008

I served the

Summons & Verified Complaint

pursuant to the Federal Rule of Civil Procedure 4 (f) (2) (C) (ii) filed and issued herein on the,

8th Day of November, 2007

by mailing via DHL Worldwide Express, pick up scheduled for 500 Pearl Street, New York, N.Y., a copy of each thereof, securely enclosed in a DHL Express Envelope with a prepaid international air bill addressed to:

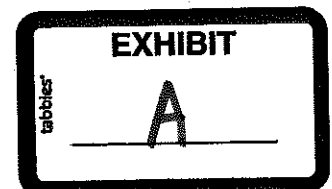
See attached for listing of Defendants

DHL Express International Waybill Tracking Number:

740 5070 632


CLERK

Dated: New York, NY



GEORGE B. FREEHILL
WILLIAM L. JUSKA, JR.
JAMES L. ROSS
ERIC E. LENCK
JOHN J. WALSH
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January 22, 2008

Our ref: 501-07/PJG/PLS

*ALSO ADMITTED IN NEW JERSEY
*ALSO ADMITTED IN CONNECTICUT
*ALSO ADMITTED IN WASHINGTON, D.C.
*ALSO ADMITTED IN LOUISIANA

BY HAND

PROVIDER 210514558-01 CITY 100 Process and Track your shipment online: http://www.dhl.com 1-800-CALL-DHL in US only		INTERNATIONAL SHIPMENT WAYBILL 740 5070 632		ORIGIN DESTINATION CODE
Charge to: <input type="checkbox"/> Shipper <input type="checkbox"/> Receiver <input type="checkbox"/> 3rd Party Payer Account No. Shipment Value Protection (see reverse) <input type="checkbox"/> Yes Declared Value for Carriage (in US \$)		Total number of packages: 1 Total Weight: 1.00 lbs Dimensions (in inches): Length 10.00, Width 6.00, Height 4.00		DIMENSIONAL CHARGEABLE WEIGHT 1.00 lbs
Shipper's Account Number: 740514558 Contact Name: General Service Shipper's Reference (up to 35 characters): 501-07/PJG/PLS		SERVICES CHARGES Drop Box # TOTAL		
Company Name: FREEHILL HOGAN & MAHAR Address: 80 PINE STREET, 2ND FLOOR, NEW YORK, NY 10005-1759 Post/ZIP Code (required): 10005-1759 Phone, Fax, or E-mail (required): (212) 425-1900		Attach the original and four copies of a Proforma or Commercial Invoice. Export License No. (if applicable) Receiver's VAT/ST or Shipper's EIN/SSN		TRANSPORT COLLECT STICKER No. PAYMENT DETAILS (Check, Card No.) No.: Type: Expires: Auth.:
Delivery Address: DHL Cannot Deliver to a PO Box 80 PINE STREET, 2ND FLOOR, NEW YORK, NY 10005-1759 Country: USA		Declaration Value for Customs (in US \$) (if no commercial invoice) Schedule B Number / Harmonized Code (if applicable) TYPE OF EXPORT: <input type="checkbox"/> Permanent <input type="checkbox"/> Repair/Return <input type="checkbox"/> Temporary		
Post/ZIP Code (required): 10005-1759 Phone, Fax, or E-mail (required): (212) 425-1900		Signature (required): Date:		PICKED UP BY Route No.: Time: Date:

DHL Express (USA), Inc., 1200 South Pine Island Road, Plantation, Florida 33324

SHIPPER'S COPY

SCHULTZ, PAMELA L.

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Sent: Wednesday, March 12, 2008 8:44 AM

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Subject: Activity in Case 1:07-cv-09889-BSJ-KNF Gusto Shipping S.A. v. Sitara Shipping Limited Clerk Certificate of Mailing Received

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U.S. District Court**United States District Court for the Southern District of New York****Notice of Electronic Filing**

The following transaction was entered on 3/12/2008 at 8:44 AM EDT and filed on 3/12/2008

Case Name: Gusto Shipping S.A. v. Sitara Shipping Limited

Case Number: 1:07-cv-9889

Filer:

Document Number: No document attached

Docket Text:

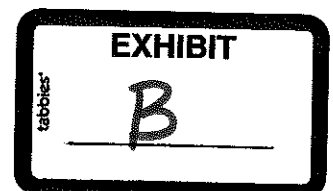
CLERK CERTIFICATE OF MAILING RECEIVED for Summons & Verified Complaint mailed to Sitara Shipping Limited on 2/22/2008 by DHL # 740 5070 632, RECEIVED ON: 2/25/2008. (wb)

1:07-cv-9889 Notice has been electronically mailed to:

Peter Judge Gutowski Gutowski@freehill.com

Pamela Lynn Schultz schultz@freehill.com

1:07-cv-9889 Notice has been delivered by other means to:



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Pamela L. Schultz (PS 8675)

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SOUTHERN DISTRICT OF NEW YORK

GUSTO SHIPPING S.A.,

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Plaintiff,

- against -

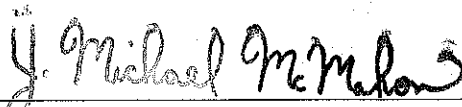
**CLERK'S CERTIFICATE
OF DEFAULT**

SITARA SHIPPING LIMITED,

Defendant.

I, J. Michael McMahon, Clerk of the United States District Court, Southern District of New York, do hereby certify that this action commenced on November 8, 2007, with the filing of a Summons and Verified Complaint, and that I have reviewed the Affidavit of Pamela L. Schultz dated June 16, 2008, and the docket entries in this case and confirm that Defendant has not filed an answer or otherwise moved with respect to the Complaint herein. The default of Defendant pursuant to Federal Rule of Civil Procedure 55(a) is hereby noted.

DATED: New York, New York
June 16 2008



J. Michael McMahon, Clerk of the United States
District Court, Southern District of New York